

involved” with the proposed settlement; and (3) BIAA had not demonstrated a need for *amicus curiae*-plus status. (Dkt. 5633.)

3. On January 6, 2014, proposed co-lead class counsel, class counsel, and subclass counsel moved for preliminary approval of the class action settlement agreement in this case, and attached to their motion a copy of the proposed settlement along with several other documents. (Dkts. 5634–5634-5.)

4. BIAA should be given the opportunity to respond to plaintiffs’ co-lead counsel’s opposition because their concerns are misplaced and/or moot. First, because the proposed settlement has now been filed with the Court, their concern regarding the supposed prematurity of BIAA’s original motion is no longer applicable. In addition, the participation of both BIAA and the Special Master will not be duplicative because each has different knowledge and specialties. Whereas the Special Master is well equipped to assist the Court with assessing the complex financial arrangements in the settlement, BIAA’s deep understanding of the disease-causative and disease-accelerative nature of brain injury, as well as the episodic and long-term treatment and support needs of brain injury patients and family caregivers, will aid the Court in evaluating questions of neuroscience and public health as they relate to the injury compensation and education funds.

5. To illustrate its credentials, BIAA attaches as Exhibits 2–4 to this motion the *curricula vitae* of three BIAA board members, Drs. Brent Masel, Gregory O’Shanick, and Mark Ashley, who, among others, will review the proposed settlement and, if the Court grants BIAA’s original motion, participate in the drafting of BIAA’s *amicus curiae* brief.

6. Plaintiffs’ co-lead counsel fails to address BIAA’s argument that no other party with a seat at the table in this case has both the incentive and expertise to focus on how best to

prevent and treat brain injury at large, and how to improve the quality of life for all individuals affected by brain injury.

7. BIAA's request for leave to file a reply memorandum is timely because it will not delay the Court's consideration of any pending motion, and because it is timely filed within ten days after plaintiffs' co-lead counsel's opposition brief was filed.

For the foregoing reasons, this Court should grant BIAA's motion.

Date: January 10, 2014

Respectfully submitted,

Brain Injury Association of America, Proposed
Amicus Curiae

By: /s/ Christopher J. Wright

Christopher J. Wright, DC Bar No. 367384
Mark A. Grannis, DC Bar No. 429268
Stephen W. Miller, DC Bar (Admitted 1/10/14)
Wiltshire & Grannis LLP
1200 Eighteenth Street NW
12th Floor
Washington, DC 20036
(202) 730-1300
(202) 730-1301 (fax)
cwright@wiltshiregrannis.com
mgrannis@wiltshiregrannis.com
smiller@wiltshiregrannis.com
Admitted *pro hac vice*